

16. **2007SP-114U-10**
Beacon Way Townhomes
Map 130-11-0-B, Parcels 001, 002, 003
Subarea 10 (2005)
Council District 34 - Lynn Williams

A request to change from RS40 to SP zoning property located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive (1.25 acres), to permit the development of two detached single-family units, requested by Thomas and Elizabeth Molteni and Charles Carroll, owners.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary SP

A request to change 1.25 acres from Single-Family Residential (RS40) to Specific Plan (SP) district for property located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive to permit two detached single-family homes.

Existing Zoning

RS40 District-RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning

SP District -Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

GREEN HILLS MIDTOWN COMMUNITY PLAN

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

Consistent with Policy? Yes. The proposed plan for two single-family lots on 1.25 acres is equal to 1.6 dwelling units per acre, which is consistent with the RL policy calling for one to two dwelling units per acre.

PLAN DETAILS

History - This property was rezoned from R40 to RS40 in September 2006. The owner of the property was issued a building permit to build a duplex on the property, however, before the RS zoning took effect. While the current zoning of RS40 does not permit duplexes, the owner can still legally build a duplex on this property.

Currently, there are two homes sitting on this property because one new home was allowed to be built on the back portion of the lot to allow the owner to live in the existing house while the new house was being built. Under the conditions of the permit, the existing house must be demolished when the new house

becomes occupied, or it must be attached to the new house to become a duplex

Site Plan - The proposed plan includes two single-family homes on two lots, including a 6,000 sq. ft. house and a 7,200 sq. ft. house. The SP plan includes specific landscaping for each lot.

Staff Recommendation - The plan proposes a 27,992 sq. ft lot and a 24,029 sq. ft. lot. Although this is not a subdivision request, lot comparability analysis indicates that the lots would need to be approximately 30,000 sq. ft. if a subdivision was being requested. This proposal would not meet the lot comparability standards of the Subdivision Regulations, but it would qualify for an exception since the proposed 1.6 units per acre is consistent with RL Policy. Two single-family lots are more consistent with the surrounding neighborhood's massing than one large duplex would be at this location. Although duplexes are appropriate on corner lots, the proposed size of these two houses would be inconsistent with the neighborhood if they were attached since this would add even more mass and create one large structure. Two single-family homes are consistent with the intended single-family pattern that was established in 2006, when the area was rezoned from R40 to RS40. The proposed density of the SP is also consistent with the duplex permit that has already been issued for this site. Since a duplex can legally be built today, staff recommends the SP as it will provide the same density as the duplex and will be more consistent with the single-family zoning in the area than a duplex.

PUBLIC WORKS RECOMMENDATION - No Exception Taken

STORMWATER RECOMMENDATION - Exempt from Metro Stormwater Requirements.

METRO SCHOOL BOARD REPORT

Projected student generation -This request does not add any additional density so it will not generate additional students.

CONDITIONS

1. No drains shall be located so as to drain directly onto neighboring properties. Drains shall be directed toward the drainage areas on site between Lot 1 and Lot 2. French drains, or similar type drain, shall be installed around the wall to direct water flow to a centralized location on site.
2. New home on Lot 1 shall have a maximum height of 30 feet.
3. The garage doors on Wayland Drive shall not face the street.
4. Lot No. 1 shall be designed to front on both Beacon Drive and Wayland Drive. Final SP plans shall include architectural elevations depicting the two fronts.
5. Stone and wood wall shall be built as depicted in Exhibit #1 on the plan, and shall be consistent with the existing wall on Lot No. 2. This wall will be constructed of brick to match the non-stucco brick on the front of the house on Lot 2; the columns of the fence at the rear of Lot 1 will be solid stone similar to Exhibit 1. All columns will be at least 8 feet (from the ground) at their lowest point with the peak to maintain the same elevation the entire length. The wood portion will be no more than six inches from the top of stone/brick on the column. The fence will extend from the northwest corner of Lot 2 to a point that is parallel with the southwest corner of the proposed house on Lot 1. The caps of the columns are to be similar to Exhibit 1 except they will match the dark grey color of the stone. The wood portion of the fence will match Exhibit 1 except that it will not be "scalloped" but straight across between columns. The exact location of the fence will be determined in the field and approved with the Final SP. It shall be located so that no existing mature trees will be removed during the installation. If necessary, the fence will be re-directed at 90 degree angles only.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

7. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
8. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the *RS20* zoning district effective at the date of the building permit. This zoning district must be shown on the plan, including setbacks. Note No. 8 on the plan shall not apply.

Mr. Leeman presented and stated that staff is recommending approval with conditions.

Ms. Nielson left the meeting at 5:50 p.m.

Mr. Jim Murphy, 1600 Division Street, spoke in favor of the proposed development.

Mr. Read Warner, 4002 Wayland Drive, expressed issues with the proposal.

Mr. Ray Bashan, 4005 Harding Place, spoke in opposition of the proposed development. He submitted a photo to the Commission.

Mr. George Olsen, 4518 Harpeth Hill Drive, spoke in opposition to the proposed development.

Mr. Thomas Molteni, 4000 Wayland Drive, spoke in favor of the proposed development.

Ms. Jones expressed concerns with approving the request.

Mr. Ponder requested clarification on the options available to the developer if the Commission were to disapprove the request.

Mr. Leeman explained the various options available to the developer if the Commission were to disapprove this request.

Ms. Jones requested clarification as to when permits were administered and when the expiration dates would take affect.

Mr. Leeman explained the permitting situation to the Commission.

Mr. Bernhardt explained to the Commission that the owners have a permit to construct a duplex which is non-conforming under the current zoning for this parcel. He further offered that it would be up to the Zoning Administrator to determine if the permit expired.

Mr. Clifton acknowledged the concerns mentioned by the neighbors affected by this development. He expressed issues with the request.

Mr. Tyler expressed concerns with approving the request.

Ms. Beehan expressed issues with approving the request. She mentioned the inconsistencies included in the proposal.

Mr. Clifton offered that the Commission should determine whether two single family homes would be a better fit for the community or a single duplex.

Mr. Ponder requested clarification on the horizontal property regime.

Mr. Leeman explained this concept to the Commission.

Ms. Jones offered that two single family homes would be more comparable to the community.

Mr. Loring moved that the proposal be approved with the condition that the developer continue working with the community on outstanding issues prior to council approval.

Mr. Bernhardt offered a motion that states that the Commission could recommend approval of staff recommendation with a condition to delete the condition referencing the location of the garage, and that the issue of the garage be worked out prior to the Council bill.

Mr. Clifton suggested alternative language regarding the motion in order to make sure the recommendation to disapprove the request as submitted was communicated to Council.

Mr. Bernhardt offered alternative language that the Commission could use for their motion.

Mr. Loring moved and Mr. Clifton seconded the motion, to disapprove Zone Change 2007SP-114U-10 as submitted, and to approve with conditions as stated in the staff recommendation, with the deletion of Condition #3. **(5-2) No Votes – Jones, Tyler**

Resolution No. 232

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-114U-10 is **DISAPPROVED AS SUBMITTED. APPROVED WITH CONDITIONS, excluding staff conditions No. 3. (5-2)**

Conditions of Approval:

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2. New home on Lot 1 shall have a maximum height of 30 feet.
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The proposed SP district is consistent with the Green Hills/Midtown Community Plan's Residential Low policy, which is intended for residential developments with a density between 1 and 2 dwelling units per acre."

The Commission recessed at 6:20 p.m.

The Commission resumed at 6:40 p.m.